

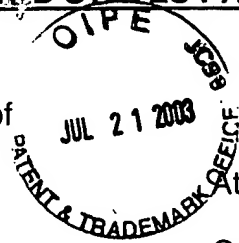
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
VON BORSTEL

Appl. No. 09/763,955

Filed: February 28, 2001

For: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL
DISEASES



Atty. Ref.: 1331-334

Group: 1623

Examiner: Patrick T. Lewis

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July 21, 2003

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

RESPONSE

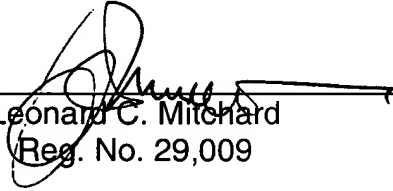
In response to the Official Action mailed March 21, 2003, (for which petition is hereby made for a three month extension of time), Group I, claims 48-59 and 62-68, is hereby elected. An action on the merits is awaited.

The Examiner is advised that Wellstat Therapeutics Corporation, the assignee of record of the present application, and The Regents of the University of California have agreed to submit inventorship of the present application to binding arbitration.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____


Leonard C. Mitchard
(Reg. No. 29,009)

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In re Patent Application of

Atty Dkt. 1331-334
C# M#

VON BORSTEL

Group Art Unit: 1623

Serial No. 09/763,955

Examiner: Patrick T. Lewis

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Title: COMPOSITIONS AND METHODS FOR TREATMENT OF MITOCHONDRIAL DISEASES

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Sir:

RESPONSE

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

☐ **Correspondence Address Indication Form Attached.****Fees are attached as calculated below:**

Total effective claims after amendment **22** minus highest number
previously paid for **47** (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment **8** minus highest number
previously paid for **8** (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$410.00/2 months; \$930.00/3 months) \$ 930.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

☐ First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$750.00) \$ 0.00

☐ Please enter the previously unentered , filed

☐ Submission attached

Subtotal \$ 930.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00

☐ Applicant claims "small entity" status. ☐ Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE ENCLOSED \$ 930.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
By Atty: Leonard C. Mitchard, Reg. No. 29,009

Signature: _____

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